

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**VICTOR BONDI, on behalf of himself and
all others similar similarly situated,**

Plaintiff,

VS.

L.L. BEAN, INC.,

Defendant.

Case No.: 1:18-cv-1101

Honorable Robert W. Gettleman

**L.L. BEAN, INC.’S MOTION TO DISMISS PLAINTIFF’S CLASS ACTION
COMPLAINT PURSUANT TO RULE 12(B)(1) AND 12(B)(6)**

Defendant L.L. Bean, Inc. (“L.L. Bean”), pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), respectfully submits this Motion to Dismiss Plaintiff’s Class Action Complaint (“Motion”).

This case should be dismissed because Plaintiff has sustained no injury-in-fact. L.L. Bean has not changed the duration of the satisfaction guarantee that applied to products purchased before February 9, 2018. Thus, Plaintiff lacks Article III standing. Plaintiff also has failed to state a claim upon which relief can be granted. He has not alleged that he was dissatisfied with any L.L. Bean product or that he sought or was denied a refund. He has not alleged facts to support his rote recitation of the elements of his causes of action, and has not alleged the particulars of any purported fraud as required by Fed. R. Civ. P. 9(b). Each and every theory of liability alleged by Plaintiff fails because the allegations of the Complaint, matters judicially noticeable, and documents central to Plaintiff's claims demonstrate that he has sustained no damage, and cannot establish the necessary elements of his claims.

L.L. Bean bases this motion on the Notice of Motion, Memorandum of Law, and Request for Judicial Notice filed concurrently herewith.

WHEREFORE, for the reasons set forth herein and in its Memorandum in Support of its Motion to Dismiss, L.L. Bean respectfully requests that this Court dismiss Plaintiff's claims with prejudice.

Dated: April 6, 2018

Respectfully submitted,

L.L. BEAN, INC.

By: /s/ Anthony J. Anscombe
One of its attorneys

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Counsel for Defendant L.L. Bean, Inc.

CERTIFICATE OF SERVICE

I, Anthony Anscombe, an attorney, hereby certify that on April 6, 2018, I caused a true and correct copy of the foregoing **L.L. BEAN, INC.'S MOTION TO DISMISS PLAINTIFF'S CLASS ACTION COMPLAINT PURSUANT TO RULE 12(B)(1) AND 12(B)(6)** to be electronically filed with the Clerk of Court using CM/ECF, which will send electronic notification to the parties and registered attorneys of record that the document has been filed and is available for viewing and downloading.

/s/ Anthony J. Anscombe
Anthony J. Anscombe